

## U. S. DEPARTMENT OF AGRICULTURE,

## BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.<sup>1</sup>

## SUPPLEMENT.

N. J. 3701-3750.

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**3701. Adulteration and misbranding of so-called very fine brandy and so-called choice brandy. U. S. v. 2 Half-Barrels and 2 Kegs of \* \* \* "Very Fine Brandy" and 1 Half-Barrel and 2 Kegs of \* \* \* "Choice Brandy." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5878. I. S. Nos. 661-h, 662-h. S. No. W-20.)**

On September 28, 1914, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 half barrels and 2 kegs of so-called "Very Fine Brandy," and 1 half barrel and 2 kegs of so-called "Choice Brandy," remaining unsold in the original unbroken packages, at Salt Lake City, Utah, alleging that the product had been shipped on or about March 7, 1914, and transported from the State of Kentucky into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted of neutral spirits artificially colored and not of very fine brandy and choice brandy, as represented as aforesaid, and that said neutral spirits artificially colored had been substituted for very fine brandy and choice brandy in such a manner as to reduce, lower, and injuriously affect the quality thereof.

Misbranding was alleged for the reason that the 2 half barrels and 2 kegs of brandy were labeled in conspicuous type "Very Fine Brandy," beneath which said label appeared, in very much smaller type, the statement, "Grape Brandy Compounded with Grain Distillates"; that the containers of said product labeled "Very Fine Brandy" bore shipping cards inscribed "D. Marino & Co. Salt Lake City, Utah, D. Sachs and Sons, Louisville, Ky."; that said shipping cards were so placed on each of the said containers as to cover and completely obscure the statement, "Grape Brandy compounded with Grain Distillates," and that said shipping cards, placed and fixed as aforesaid upon each of the said containers, left on each as the only apparent label that of "Very Fine Brandy."

<sup>1</sup> The Service and Regulatory Announcements of the Bureau of Chemistry are published in conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by the various branches of the department. During 1915 they will be issued as often as necessary rather than each month, as in 1914, and will be numbered consecutively, beginning with S. R. A., Chem. 13.

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Misbranding of the other product was alleged for the reason that the containers thereof were labeled in large type, "Choice Brandy," beneath which said label on each of the said containers appeared in very much smaller type the legend, "Grape Brandy Compounded with Grain Distillates"; that each of said containers was labeled "Choice Brandy" as aforesaid, and bore shipping tags inscribed, "D. Marino & Co., Salt Lake City, Utah, D. Sachs and Sons, Louisville, Ky."; that said shipping tags were so placed and fixed upon the said containers as to cover and entirely obscure the legend, to wit, "Grape Brandy Compounded with Grain Distillates"; that by reason of the fixing of said shipping tags as aforesaid the only label apparent on said containers labeled "Choice Brandy," and each of them, was that of "Choice Brandy."

On December 7, 1914, Morris D. Sachs, Edward Sachs, and Samuel Haas, partners, trading under the name of D. Sachs & Sons, Louisville, Ky., claimants, having consented to a decree of condemnation, and having agreed to pay costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimants upon the execution by them of a good and sufficient bond in the sum of \$300, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*